

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VLADIMIR M. GOROKHOVSKY, and  
IGOR KAIUROV,

Plaintiffs,

-against-

ELEANORA STEFANTSOVA,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/16/2021

1:19-cv-08101-MKV

ORDER TO SHOW CAUSE

MARY KAY VYSKOCIL, United States District Judge:

This case was filed in August 2019. *See* ECF No.1. Plaintiffs thereafter filed an Amended Complaint in October 2019. *See* ECF No. 11. On May 11, 2020, the Court dismissed this case for failure to prosecute, citing Plaintiffs' failure to secure summonses and serve Defendant. *See* ECF No. 17. Plaintiffs then moved to reopen the case and secure summonses from the Clerk of Court. *See* ECF No. 18. The Court granted the motion to reopen the case but noted that "[t]he Plaintiffs may seek a summons as soon as practicable, given the circumstances. However, such leave to request a summons does not constitute a ruling by the Court on the timeliness, adequacy, or merits of service." *See* ECF No. 19. Plaintiff later secured summonses from the Clerk of Court and served Defendant on May 20, 2020. *See* ECF No. 23. Since then, Plaintiff has filed a motion for a default judgment against Defendant. *See* ECF No. 31. Before the Court will consider the motion, the Court must ensure that service in this action was proper.

Rule 4 of the Federal Rules of Civil Procedure provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

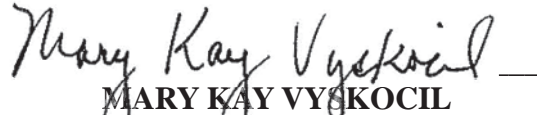
In this case, Defendant was not served until approximately nine months after Plaintiffs filed the original complaint. At no time did Plaintiff make an application to extend the time to serve the complaint. Accordingly,

IT IS HEREBY ORDERED that Plaintiff each much show cause by filing a letter on the docket on or before May 7, 2021, why this case should not be dismissed under Rule 4 for failure timely to serve Defendant. The letter must be no longer than four pages.

Absent good cause, any application for an extension of time must be received at least 72 hours before the deadline in question. Failure to comply with Court order may result in sanctions, including preclusion of any claim or defense or dismissal of the case.

**SO ORDERED.**

**Date: April 16, 2021**  
**New York, New York**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**